

Those who are working in other industries probably started out working in agriculture. That is 1 out of 50 States. Our number is dwarfed by Texas, New Mexico, Arizona, California, by those States that are on the border with our friends to the South in Mexico, where thousands of illegal aliens are crossing the border every day.

However, we do recognize there is a certain number—and it is not material as to what that number is—but the fact is we agree there are hundreds of thousands or millions of folks here illegally.

The basic difference between the Senator CRAIG and Senator KENNEDY AgJOBS amendment and the Chambliss-Kyl amendment is this: Which direction do we want to go with regard to identifying those folks here illegally? Do we want to reward those folks here illegally, as the AgJOBS amendment proposes to do, or do we want to identify those people and those who are here illegally who are making a valuable contribution to the economy of the United States and who, most significantly, are not displacing American workers—and I emphasize that—and who have not broken the law in this country? Do we want to make an accommodation for those folks so they can continue to contribute to the economy of the United States by virtue of working in the agriculture community?

We both agree we ought to regulate these folks. The difference is the Craig-Kennedy AgJOBS amendment gives those individuals who are in this country illegally a direct path to citizenship. The Chambliss-Kyl amendment recognizes those folks are here illegally and it says to them, we are going to grant you a temporary status to remain here if you are not displacing American workers, if you are law abiding, and if your employer makes an attestation that he needs you—whether it is for a short period of time, as the H-2A reform portion of our amendment calls for, or whether it is the longer term, or the blue card application. Unlike in the AgJOBS amendment where the illegal alien can make the application, in our amendment the application has to be made by the employer who does have to say he needs that individual in his employ.

Another significant difference between these two amendments is this: Under the AgJOBS bill it is pretty easy in the scheme of things to become legal—not maybe an American citizen off the bat, but to position yourself to be placed in line ahead of other folks who are going through the normal course as set forth in our Constitution today to become a citizen, for these folks to make that type of application.

Here is why. The AgJOBS bill says if you are an illegal alien, you shall be given status as one lawfully admitted for temporary residence if the illegal alien has worked 575 hours, or 100 workdays, whichever is less, during an 18-month period ending on December

31, 2004. Mr. President, 575 hours is 14.3 weeks of labor if they work 40 hours, or 71.8 days, or approximately 3½ months. An alien can get immigration status after working only 3½ months of full-time employment.

Under Senate bill 359, section 2, paragraph 7, a workday means a day in which an individual has worked as little as 1 hour. So 100 workdays can amount to, literally, 1 hour per day for 100 straight days which would amount to 2½ weeks. That may not be the practicality of this, but in actuality, that is what the bill says.

Coming from a very heavy agriculture area, as I do, these people for the most part who are here working in agriculture are here for the reason they want to improve the quality of life for themselves as well as their families. They are basically law-abiding people who are simply hard workers and are here because they have that opportunity to better themselves in this country versus their native country.

But still, are we going to recognize those folks for what they are—and that is an illegal alien—or are we going to grant them this legal status after being here for 3½ months?

I do not think the American people ever intended for the Constitution of the United States, and for us operating under that Constitution, to grant legal status to anybody who breaks the law, to come into this country, and who may break the law not once, not twice, but three times during that 3½-month period under the AgJOBS bill, as they can do, and get legal status. I cannot conceive that America wants us to enact that type of legislation.

A basic difference between the AgJOBS bill and the Chambliss-Kyl amendment relative to those issues is we do not put anybody on a path to legal status. We grant them temporary status under the H-2A bill. If the farmer comes in and says, "I need 100 workers for 90 days to work on my farm, and here is what they are going to do," we will have that application processed in a streamlined fashion, compared to the way the application would have to be processed today, and those workers can come in, and whether they are cutting lettuce or cutting cabbage or picking cucumbers, they will be able to come in for that 100 days, and at the end of that 100 days, they will return to their native land.

If there are other operations, other farming operations, whether it is a landscaper or somebody in the nursery business, that need individuals 12 months out of the year, they will have the opportunity under our bill to apply for the blue card—again, a temporary status. It must be applied for by the employer, not the illegal alien, as you can do under the AgJOBS bill. The employer must make the application for those individuals. No preferential status toward citizenship is given.

They can have that blue card for 3 years, and reapply on two separate oc-

casions following that first application. Technically, they could stay here for 9 years, if they continue to be law abiding and if their employer makes the proper attestation that says he needs them, that they have been important to the economy of this country, and they are not displacing American workers. It is significantly different from actually the legal status given after 3½ months under the AgJOBS bill.

Where does the AgJOBS bill move this individual relative to the pathway to citizenship? What current immigration law says is for somebody who is here legally, if they work for 2,060 hours under the AgJOBS bill, at the end of that 1 year, which is approximately 2,060 hours of work, they can apply for a green card, and they are going to be given preferential treatment in getting that green card.

What current immigration law says is anybody who has maintained a green card for 5 years can apply for citizenship. That is the pathway to citizenship that is being granted to folks who are in this country illegally today, who can have broken the law in this country today, not once, not twice, but three times, and still be looked at as somebody who is given preferential treatment over those individuals who are outside of this country who want to become citizens of the United States, who want to come here legally and do it the right way.

It simply is not fair. It is not equitable. I cannot believe the American people want to see us enact a law that will reward those individuals who have come into this country illegally in that way.

Lastly, let me mention one other point that is critically different between the AgJOBS bill and the Chambliss-Kyl amendment; and that is the issue relative to control of the border. The AgJOBS bill is basically silent when it comes to control of the border. But what it does do is it says if you have previously worked in the United States, and you are now back in your home country, you can come and make application for the adjusted status by saying you did work 575 hours within a certain period of time and, therefore, you should be given legal status in this country. And that will happen.

The difference in our provisions relative to control of the border is we mandate that the Department of Homeland Security come back to Congress within 6 months after the effective date of this legislation and report to us on a plan they are going to put in place to control our borders. Because, let me tell you, I don't care what bill we pass, which of these amendments we pass, or any future bill we may pass relative to the immigration laws of this country, if we do not control our borders, we have not made one positive step in the right direction.

We simply must figure out a way to control our borders. We think rather than us legislating a way in which that